

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ESPN, INC.,

Plaintiff,

v.

QUIKSILVER, INC.,

Defendant.

QUIKSILVER, INC.,

Counterclaimant,

v.

ESPN, INC.,

Counterdefendant.

08 Civ. 4222 (CM) (MHD)
ECF Case

**DECLARATION OF JENNIFER
L. BARRY IN SUPPORT OF
DEFENDANT AND
COUNTERCLAIMANT
QUIKSILVER, INC.'S MOTION
FOR TRANSFER OF VENUE TO
THE CENTRAL DISTRICT OF
CALIFORNIA PURSUANT TO
28 U.S.C. § 1404(A)**

I, JENNIFER L. BARRY, hereby declare as follows:

1. I am an attorney duly admitted to practice in the courts of California and admitted *pro hac vice* to the U.S. District Court for the Southern District of New York for the above-captioned case. I am an associate in the law firm of Latham & Watkins LLP, attorneys for defendant and counterclaimant Quiksilver, Inc. ("Quiksilver") in this case. I have personal knowledge of the matters set forth herein and, if called upon to do so, could and would testify as set out herein.

2. Attached to this declaration as Exhibit A are true and correct copies of two news articles my research staff and I located on the Internet regarding plaintiff and counterdefendent ESPN, Inc.'s ("ESPN") west coast headquarters in the Los Angeles area, and ESPN's plans to build a larger facility in that area. The first is an article from the September 15, 2005 edition of Amusement Business (reprinted by allbusiness.com at <http://www.allbusiness.com/services/amusement-recreation-services/4567685-1.html>). The second is an article from the October 4, 2005 edition of Broadcast Engineering.

3. Attached to this declaration as Exhibit B is a true and correct copy of an article I located on ESPN's website for the X Games, <expn.com>, dated December 22, 2000 and describing the history of the X Games. The full cite for the article is <http://expn.go.com/xgames/wxg/2001/s/history.html#>.

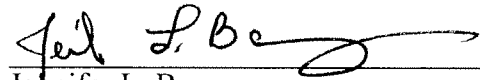
4. Attached to this declaration as Exhibit C is a true and correct copy of the Wikipedia entry for "X Games." The full cite for the article is http://en.wikipedia.org/wiki/X_Games.

5. Attached to this declaration as Exhibit D is a true and correct copy of a list of the venues for all of the past X Games that I located on ESPN's website. The full cite for the list is <http://www.espneventmedia.com/xarchive.php>.

6. Attached to this declaration as Exhibit E is a true and correct copy of an article I located on ESPN's website about the Moto X World Championships held in San Diego in April 2008. The full cite for the article is <http://sports.espn.go.com/espn/print?id=3337157&type=story>.

7. Attached to this declaration as Exhibit F is a true and correct copy of a press release, dated October 15, 2007, that I located on ESPN's website about the company's recent licensing agreement with American Sporting Goods to expand the X Games brand into footwear. The full cite for the press release is http://www.espnmediazone.com/press_releases/2007_10_oct/20071015_ESPNConsumerProductEstablishesLicensingRelationshipwithAmericanSportingGoods.htm.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. This declaration was executed on June 16, 2008, in San Diego, California.


Jennifer L. Barry

CERTIFICATE OF SERVICE

I hereby certify that on June 16, 2008, I caused the attached document to be electronically transmitted to the Clerk's Office using the CM/ECF System.

I further certify that on this same date, I caused the attached document to be hand delivered as a Chambers Copy to:

Hon. Colleen McMahon
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl St., Room 640
New York, NY 10007

I further certify that on this same date, I caused the attached document to be sent via email and overnight delivery to:

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/s/ Mark A. Finkelstein
Mark A. Finkelstein

EXHIBIT A

ESPN, Regal to set up shop at L.A. Live

By Mike Barnes

Publication: [Amusement Business](#)

Date: Thursday, September 15 2005

LOS ANGELES--A West Coast headquarters for sports network ESPN and a swank 15-screen cineplex from Regal Entertainment will be centerpieces of the multi-billion dollar L.A. Live sports and entertainment district set for completion in 2007.

Other entertainment attractions unveiled Wednesday during groundbreaking ceremonies on what is now a parking lot outside AEG's Staples Center were a Grammy museum and a Conga Room club/restaurant co-owned by actor Jimmy Smits.

A 4-million-square-foot project in the heart of downtown Los Angeles, L.A. Live also will include the previously announced 7,000-seat Nokia Theater for live performances. AEG has built similar, smaller Nokia venues outside Dallas and in New York's [Times Square](#).

With its entertainment options and 40,000 square feet of open-air plaza, the project has been likened to a West Coast version of Times Square.

"When we are through, Times Square will be known as the L.A. Live of the East," Los Angeles City Council president Alex Padilla said to much applause.

AEG has invested nearly \$1 billion in the privately funded project and has worked about a decade to make it happen.

Tim Leiweke, president and CEO of AEG, noted that 50,000 students go to college within a three-mile radius of downtown and that 100,000 people will live in the revitalized downtown district by the end of the decade, giving L.A. Live plenty of people in the area to draw from.

"Whether you are here for living, for working or for playing, this will be a one-stop [destination](#) for you," Leiweke said. The ESPN regional headquarters will include a 120,000-square-foot broadcast center, a radio studio and an ESPN

Zone restaurant.

"We have been looking for years to expand and centralize our West Coast production activity," ESPN senior vp and managing editor Bob Eaton said. "This location across from Staples Center gets across the look and feel of L.A. as we move programs here."

Leiweke noted that the daily 11 p.m. edition of ESPN's SportsCenter could "emanate from Los Angeles to the world."

Regal's 90,000-square-foot, 3,500-seat cinema complex will include one screen for Hollywood-type movie premieres. Regal is a natural for L.A. Live, as AEG head Philip Anschutz is Regal's largest shareholder.

The Grammy museum will house a permanent display of music memorabilia that could attract 1 million tourists a year, Leiweke said.

A 50-floor [Hilton Hotel](#) also will be on the property and help accommodate Los Angeles Convention Center guests in the area as well as visiting sports teams who come to town to play the Lakers, Clippers, Kings and Sparks across the street.

Leiweke took part in the ceremony with a cast on his right foot. He was injured during an AEG soccer game and recently underwent surgery to repair a torn Achilles tendon.

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ESPN to open facilities in downtown Los Angeles

Oct 4, 2005 4:09 PM, Transition to Digital e-newsletter



ESPN will have a presence in the upcoming LA Live Sports and Entertainment District in downtown Los Angeles.

Details of the ESPN facilities, expected to open in 2009, will be unveiled as part of a groundbreaking for the AEG-developed LA Live, a 4 million-sq ft project adjacent to the STAPLES Center that will feature an 1100-guest room hotel, a 7100-seat theater, cinemas, restaurants, housing and a 40,000-square-foot open air plaza.

The 120,000sq ft building will include:

- Two high-definition television studios and a radio studio
- An ESPN Zone sports-themed dining and entertainment center
- Production facilities, including state-of-the-art control rooms, editing suites, graphics area, screening and production facilities

The top three floors of the building will accommodate 70,000sq ft of production facilities, highlighted by two large high-definition studios: one 7500sq ft and one 5000sq ft. The floors will also contain supporting television production components, such as control rooms, master control facilities, editing facilities, a screening and newsroom area, and production space.

Additional production locations in the building, such as outside balconies and glassed-in areas, will overlook LA Live, STAPLES Center and other parts of downtown Los Angeles, providing a lively television backdrop. While specific plans are not finalized, a variety of programs are expected to originate from the LA-based studios, including ESPN Original Entertainment (EOE) series and "SportsCenter" segments.

The bottom two floors will house an approximately 30,000sq ft ESPN Zone, featuring a retail section, a dining area and an arcade. Some ESPN production offices will also be located on the second floor.

[Back to the top](#)

Find this article at:

<http://www.broadcastengineering.com/infrastructure/Espn-los-angeles-20051004/index.html>

☐ Check the box to include the list of links referenced in the article.

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EXHIBIT B

The Life of X
Dec. 22, 2000

A Brief History of the X Games

The 2001 Winter X Games will be the fifth annual Winter X Games. Along the way ESPN has added the Winter X Games, the X Trials, the Asian X Games, the Xperience and much more. Here's a brief timeline on how the X Games has arrived as the world's signature multi-alternative sport event.

1993 ESPN Management decides to devote significant resources to the creation of an international gathering of alternative sport athletes. A team is assembled to develop the concept that originated in the ESPN Programming Department.

1994 At a press conference at Planet Hollywood in New York City on April 12, ESPN announces that the first Extreme Games will be held in Rhode Island in late June of 1995.

1995 From June 24 through July 1, the Extreme Games are held in Newport, Providence and Middletown, RI, and Mount Snow, Vermont. Competitions are held in nine sport categories, including windsurfing, bungy jumping and mountain biking.

198,000 Spectators attended the first Extreme Games, and the event was sponsored by seven companies, including Advil, Mountain Dew, Taco Bell, Chevy Trucks, AT&T, Nike and Miller Lite Ice.

ESPN decides to hold the event the following year, based on the success perceived by the athletes, organizers, spectators, producers and sponsors. The decision is made in October to hold the event in Rhode Island for the second year, based on the 1995's successes.

1996 In January, the event name Extreme Games is officially changed to the X Games. Reasons for this are many, namely allowing easier translation to international televisers and better branding opportunities.

The X Games Road Show, a two-day touring interactive expo, makes its debut in April - eventually reaching twelve cities including Boston, San Francisco and Miami. In early June the X Games' first international exhibition takes place. In the shadow of ancient temples in Shanghai, exhibitions are performed in bicycle stunt, in-line skating and skateboarding.

In late June approximately 200,000 spectators turn out for the X Games. Kiteskiing, windsurfing and mountain biking are all replaced with wakeboarding, while ESPN Sportszone reported live on the internet from Newport, RI.

The site of the first-ever ESPN Winter X Games is announced at a press conference on June 30. Snow Summit Mountain Resort in Big Bear Lake, Calif., is named the site for

competitions in snowboarding, ice climbing, snow mountain bike racing, shovel racing and a crossover multi-sport.

ESPN announces in July that the X Games will be moving to San Diego, Calif. for the 1997 and 1998 X Games.

1997 From January 30 through February 2 the inaugural Winter X Games are broadcast to 198 countries in 21 different languages. More than 38,000 spectators make the trek to Big Bear Lake for four days of 70 degree competition.

In March the X Trials, a qualifying event for the X Games, holds its first contest in Providence, RI. A similar X Trials was also held one month later in Orlando, Fla..

From June 20 through June 28, a record crowd of 221,000 fans watches in San Diego and Oceanside as the third annual X Games continues to impress. Big Air snowboarding replaces bungy jumping and amazes San Diegans with a 10-story jump on the beach.

In September ESPN announced that the host of the 1998 Winter X Games will be Crested Butte Mountain Resort in Crested Butte, Colorado. New sports to the Winter X Games include freeskiing, snowmobile snocross and skiboarding.

Also in September, the X Games Xperience is held at Disneyland in Paris, France. The event was held in conjunction with Eurosport.

In December, citing overwhelming success, the X Games are officially invited back to San Diego for 1998 by Mayor Susan Golding.

1998 25,000 spectators gathered over four days in January in Crested Butte, Colo. for the second annual Winter X Games.

In April, the first-ever international X Games qualifying event is held. The Asian X Games features 200 athletes from the Pacific Rim competing in Phuket, Thailand for a limited amount of spots in the San Diego X Games.

In May, the second year of X Trials competition begins. The 1998 X Trials appear in St. Petersburg, FL, and Virginia Beach, VA, and continue to verify the belief that interest in alternative sports is growing rapidly across the country.

In June the X Games tops its attendance mark for the fourth consecutive year. More than 233,000 spectators flock to Mariner's Point in San Diego for the fourth annual X Games.

In September, ESPN announces that the X Games will move to San Francisco for the years 1999 and 2000. In October, ESPN establishes their office on Treasure Island in San Francisco.

1999 Crested Butte is the site once again for the third annual Winter X Games. More than 30,000 attend the event in January, which featured more disciplines, including women's freeskiing, yet no new sports.

In late April and early May, the third year of qualifying events called the X trials take place in Louisville, Kentucky and Richmond, Virginia. Crowds top 30,000 for the four-day events, with the promotional tour, the Xperience, taking place in conjunction with the competitions.

On May 8, ESPN announces that the 2000 and 2001 Winter X Games will take place in Mount Snow, Vermont.

From June 27 - July 4, the X Games in San Francisco attracts nearly 275,000 spectators - who were treated to Tony Hawk's first-ever skateboarding 900 and the X Games debut of MotoX.

2000 The Winter X Games are held February 3rd - 6th in Mount Snow, Vermont. The first Winter X of the millennium featured the largest crowds to-date and the first appearance of the event on the East Coast. With the new Snowboarding Superpipe competition thrown into the mix of favorites such as Snowboarding Big Air, SnowboarderX and Slopestyle, FreeSkiing, Skiboarding, Snocross, and Snow Mountain Bike Racing; the 2000 Winter X Games drew over 83,500 spectators to this small Southern Vermont town.

From March through June, the ESPN B3 and X Trials events took place across the country, qualifying athletes to compete in the 2000 X Games in San Francisco, CA. Beginning in Lake Havasu, AZ, re-visiting Louisville KY, and St. Petersburg FL, ending in Nashville TN, ESPN's B3 and X Trials events were the most successful to-date and wrapped up the Road to X.

From June through July some of the worlds top skaters and BMX riders hit the road traveling to skate parks across the United States as part of the first ever Tony Hawk Gigantic Skatepark Tour.

The 2000 X Games take place August 17th - 22nd in San Francisco, Calif. on Piers 30/32. The X Games once again bring together more than 350 of the world's best alternative sport athletes to compete for nearly 1 million in prize money and medals. ESPN holds the first ever X Games Step-Up contest and announces the launch of its four newest ventures; Action Sports and Music Awards, International X Games Qualifiers, X Games Global Challenge, and an agreement with Woodward Camps to begin building skateparks across the country.

2001 The 2001 Winter X games will be held February 1-4 for the second year in Mount Snow, VT. The Winter X Games will feature the talents of more than 350 international athletes competing in winter alternative sports such as snowboarding, snowmobiling, and skiing. 2001 also marks the debut of Moto X Big Air at the Winter Games. At Winter X ESPN will also announce the nominees for the first annual Action Sports and Music Awards to be held April 7th 2001 at the Universal Amphitheater in Los Angeles, CA.

EXHIBIT C

X Games

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From Wikipedia, the free encyclopedia

The **X Games** is an annual event with a focus on extreme action sports. The Winter X Games are held in January or February and the Summer X Games are usually held in August. Competitors perform as best as they can trying to win bronze, silver and gold medals, and prize money. The competition often features new tricks such as Tony Hawk's "900" in skateboarding, and Travis Pastrana's double backflip in Motocross. Concurrent with competition is the so-named X Fest—ultimate action sports and music festival, which offers live music, athlete autograph sessions, interactive elements. The location of the Winter X Games is in Aspen, Colorado through 2010, while the location for the Summer X Games is in Los Angeles through 2009. The X Games also has international competitions and demos around the world that are held at varying times throughout the year. The games are shown live on ESPN and ABC television.



The X Games logo

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Events

Current Summer X Games Sports

- Freestyle BMX
 - Vert
 - Park
 - Big Air
 - SuperPark
- MotoX
 - Best Trick
 - Freestyle
 - Step Up
 - Supermoto
 - Supercross
 - Big Air
 - Street
 - Men's
 - Women's
 - Street Best Trick
 - Vert
 - Men's
 - Women's
 - Vert Best Trick
- Skateboarding
 - Vert
 - Street
 - Big Air
 - Best Trick
 - SuperPark
- Surfing
 - Men-Team USA vs. The World (Formerly East vs. West)
 - Women-Team USA vs. The World (Introduced in X Games 13)
- Rallying

Overview

The Winter X Games is, as described by EXPN (2008), a competition compiled of the greatest winter action sport athletes from around the world, all competing for medals (gold, silver, bronze) and prize money on an annual basis. The competition contains day and evening events including skiing, snowboarding, and snowmobiling. The first Winter X Games took place at Mountain Resort in Big Bear Lake, California in 1997. The following two years, the Games were held at Crested Butte Mountain Resort in Colorado. The two years following that, the Games were held in Mount Snow, Vermont. And since 2002 the Winter X Games have been held at Buttermilk Mountain in Aspen, Colorado, and according to ESPN they will continue to be held there through 2010.

Popular Participants

Some of the star participants who have participated in The Winter X Games:

- **Shaun White** – American snowboarder/skateboarder (flying tomato) who always goes above and beyond belief. White's official website states that White is sometimes referred to as the "Flying Tomato" because of his shaggy red hair. White has mastered some of the toughest tricks in the game. He has obtained a number of medals and awards, including the 2008 Laureus Sports World Sports Award for the Best Action Sportsperson of the Year.
- **Danny Kass** – American snowboarder best known, according to the U.S. Olympic official website, for his silver medals in the 2002 and 2006 Winter Olympics. The punk-image Kass has a signature move known as the "Kassaroll" (backside rodeo), an extremely difficult trick.
- **Sarah Burke** – Canadian freestyle skier who has been recognized by ESPN numerous times, including 2001 Female Skier of the Year and 2007 Best Female Action Sports Athlete.
- **Tanner Hall** – American free skier who has continued to outperform at the Winter X Games. Hall won Best North American Free Skier in 2006 and he holds the record for Winter X Games gold medals with seven.

Economics

The Winter X Games gained media exposure due to their big name sponsors and star-studded athletes. However, their marketing ideas add to that because of the number of fans who attend the actual events. As the Journal of Sport Management (2006) explains, Generation X and Generation Y are the two most highly valued by marketers. This creates a broad approach on marketing towards that certain demographic, which is why the Winter X Games' marketing and economic outlook is so “out of the box”. According to EXPN (2008); The Winter X Games inaugural year, 1997, was televised to 198 countries and 38,000 spectators attended the actual four day event. In 1998, the attendance dropped to 25,000 spectators. But just two years later, a record attendance of 83,500 people attended the Winter X Games' east coast debut. The Games continue to grow thanks to certain marketing plans such as The Interactive Village, Musical Line-Ups, and the Snowskate Park.

The Interactive Village

The Interactive Village is described by EXPN (2008) as the designated Official Winter X Games Sponsor Booth area. It is usually located by the main entrance of the event and it offers fun activities for all attending fans. Some activities include scheduled autograph signings, giveaways for spectators, climbing walls, video game experiences, and the chance to try new and upcoming products that are presented by sponsors.

Snowskate Park

The Snowskate Park is an actual layout provided by the Winter X Games sponsors in order to provide real-life interaction for all spectators. The Snowskate Park posts a schedule so that fans can enter the park in order to “play” around or show off their skills. The schedule usually includes: Open Park for the Public, Invitational Practices, Special Kids Events, Experienced Snowskate Sessions, and Competitive Sledding.

Merchandise

All Winter X Games merchandise can be found and purchased commonly on the number of X Games Gear websites. And, since the X Games are an ESPN event, all merchandise can be found on the popular ESPN Shop website.

Musical Performances

Throughout the Winter X Games, live music line-ups are prepared in order to give fans the non-stop action that they came to see. Some performing music acts are up-and-coming bands/artists that are looking for serious exposure, but well-known talents perform at the Games as well. DJs are a fixed piece of the X Games, you can find them spinning the tracks during each athletes run.

X Games Going “Green”

The X Games has a successful program, X Games Environmentality (XGE), that focuses on reducing waste through recycling and compositing greenhouse gas emissions through the use of alternative fuels. Disney (2008) explains that the X Games use bio diesel fuel, bio fuel-powered RFTA shuttles, and 100% post-consumer recycled paper. In 2006, nearly 70% of event waste was diverted from Aspen-area landfills to be processed at specialized facilities. The X Games work to beat the record each and every year. Educational outreach for fans, staff and vendors will include opportunities to contribute to XGE's efforts.

“Get Caught Recycling”

“Get Caught Recycling” is a program created by the XGE in order to encourage recycling. Environmentality (2008) explains that the program works as follows: Fans who get caught recycling during the Games will be rewarded with tokens that they can redeem for valuable prizes at the TRASHed Recycling Store. The program produces solid results with voluntary recycling by fans in exchange for fun, environmentally-friendly prizes

Showing the Proof

Thanks to the X Games and their continuous efforts on improving the environment, it is difficult for the results to go unnoticed. Habitat protection and enhancement, energy and water efficiency, green development, waste management, recycling, and alternative transportation are what have help to elevate Aspen Ski Company to serve as the country's Green Leader in the mountain resort industry; all thanks to XGE.

Growth

The Winter X Games are the leading winter action sports competition and tour in the whole world, and the Games' growth is well documented by EXPN (2008). The ratings, attendance, and participation have continued to grow over the years. In the Games' first year, 1997, the actual attendance of the event was about 38,000 people. In 1998 the attendance dropped to about 25,000 people with the Games' move to Crested Butte, but new sports were introduced including free skiing, SnoCross, and SkiBoarding. Women's Free Skiing was introduced a year later and attendance showed an increase at its second stay at Crested Butte. A year later, the Games moved to the east coast for the first time and recorded a record

attendance of 83,500 people in Vermont. Also in 2000, the Games added the Snowboard SuperPipe event. Again in Vermont in 2001, the Games posted another great fan turnout along with the addition of the Moto X Big Air event.

Publication

Winter X Games VIII in 2004 marked the first time that an X Games event was televised live and also featured coverage by ESPN's flagship news program, Sports Center. Viewership across the three networks that carried coverage of the event - ABC Sports, ESPN and ESPN2 – exceeded last year's household average by 30% according to Nielsen Media Research. The event also reached record highs in several major demographic categories. To accommodate the first-time live coverage, nighttime competitions were added, resulting in record attendance for the Aspen/Snowmass venue.

Winter X Games 2002

The 2002 Winter X Games were a huge year for ESPN and the X Games. It was the first year that the games were held in Aspen Colorado at Buttermilk Mountain. The Games continued to added new events including the Ski Slopestyle event and the Ski SuperPipe event. The most memorable incident of the 2002 Games was when the entire 2002 U.S. Olympic Freestyle Snowboarding Team showed up to compete in the Winter X Snowboard SuperPipe event, just weeks prior to the Salt Lake City Olympics. Also in 2002, ESPN announced the establishment of the X Games Global Championship. The Global Championship featured two distinct venues hosting competitions in summer and winter action sports simultaneously. It consisted of six teams of the World's top athletes, grouped together by their region of origin, to compete in the four day event. The winter sports were held in Whistler Blackcomb Resort in British Columbia, and the events included snowboarding and skiing.

Growth, Post 2002

In 2003, the Games were broadcasted live for the first time on three separate channels. The Games were still being held in Aspen and it was in this year that the new events, Moto X Ski, Snowboard, and Snowmobile were introduced. As attendance continued to soar, the Games saw a record-high attendance in Aspen with 69,750 people. In 2006, the Winter X Games introduced the Snowmobile Freestyle event along with the first ever disabled discipline, Mono Skier X. The Snowboarding Department added the ever-popular Snowboard Best Trick Showdown in 2006 as well. 2007 was another record breaking year for the Games, this time it topped the old Aspen attendance record with 76,150 people. The Winter X Games that year were broadcasted on ESPN and NBC along with television, internet, and iPod live streams. In 2008 the Winter X Games enhanced their coverage on ESPN and continued to add new disciplines. This time it was the addition of Snowmobile Speed & Style, Skiing Big Air, and the Snowboard Big Air that tried to attract more viewers and fans.

"Big Air"

Big Air contests have also been added to the Winter X pillars of Skiing and Snowboard. Featuring only four competitors in each contest, the scoring of every run will be fan interactive: 50% of each competitor's score will come from live fan text voting and the second half will be judged by the analysts calling the competitions live on TV. The fan text voting really gives fans a chance to interact and be a part of the scoring of the event. It was first introduced during the summer games for the skateboarding

event.

Volunteers

ESPN Event Media (2008) states that all volunteers must be 18 years of age or older, commit to at least two days, and attend orientation. The X Games provide free gifts, snacks, meals, refreshments, and raffles for their volunteers.

Current Winter X Games Sports

- Skiing
 - Skier X
 - Men's
 - Women's
 - Slopestyle
 - SuperPipe
 - Men's
 - Women's
 - Big Air
 - Monoskier X (mixed-gender)
- Snowboarding
 - Slopestyle
 - Men's
 - Women's
 - Snowboarder X
 - Men's
 - Women's
 - SuperPipe
 - Men's
 - Women's
 - Best Trick
- Snowmobiling
 - Snocross
 - Freestyle
 - Speed & Style
- Snowskating



Snocross at the 2007 Winter X Games

Defunct events

Summer X Games events

- X-Venture (Adventure Race)
- BMX Freestyle
 - Flatland
 - Downhill BMX
 - Vert Doubles
 - Dirt Jumping
- Aggressive In-Line

- Vert
 - Men's
 - Women's
- Downhill
 - Men's
 - Women's
- Street
 - Men's
 - Women's
- Vert Triples
- Bungee jumping
- Skateboard
 - Vert Doubles
 - Vert
- Wakeboarding
 - Men's
 - Women's
- Barefoot Jumping
- Sportclimbing
 - Difficulty
 - Men's
 - Women's
 - Speed
 - Men's
 - Women's
 - Bouldering
 - Men's
 - Women's
- Skysurfing
- Street Luge
 - Dual
 - Mass
 - Super Mass

Winter X Games events

- Moto X
 - Best Trick (men's only)
- Snow BMX Racing
 - Dual Downhill
 - Men's
 - Women's
 - Dual Speed
 - Men's
 - Women's
- Snowboarding
 - Big Air
 - Men's
 - Women's
- Skiboarding

- Slopestyle
- Ice Climbing
 - Difficulty
 - Men's
 - Women's
 - Speed
 - Men's
 - Women's
- Snowmobiling
 - Hill-cross
- Super-Modified Shovel Racing

History

Summarized from EXPN.com (<http://www.expn.com/>)

Summer X Games

- **1995: Extreme Games** - Providence & Newport, Rhode Island & Mount Snow, Vermont (*June 24 - July 1, 1995*)
 - 198,000 in Attendance
- **1996: X Games II** - Providence & Newport, Rhode Island
 - 200,000 in Attendance
- **1997: X Games III** - San Diego, California (*June 20-28, 1997*)
 - 221,200 in Attendance
- **1998: X Games IV** - San Diego, California (*June, 1998*)
 - 233,000 in Attendance
- **1999: X Games V** - Pier 30 & 32, San Francisco, California (*June 25 - July 3, 1999*)
 - 275,000 in Attendance
 - After eleven failed attempts, skateboarder Tony Hawk finally lands a 900-degree spin ("the 900"), winning the Best Trick competition.
- **2000: X Games VI** - Pier 30 & 32, San Francisco, California (*August 17-22, 2000*)
 - Tommy Clowers wins the first ever Moto-X Step Up event, at a record-breaking height of 35 feet.
- **2001: X Games VII** - First Union Center, Philadelphia, Pennsylvania (*August 17-22, 2001*)
 - 235,000 in Attendance
 - Bob Burnquist wins the Skateboard Vert contest with an unbelievable 98, the highest point avg. ever given to any athlete in skateboarding.
 - Taig Kris wins the Inline Vert event, with the first double backflip in X-Games history.
 - Danny Harf lands the first 900-degree spin in wakeboarding.
- **2002: X Games Eight** - First Union Center, Philadelphia, Pennsylvania (*August 15-19, 2002*)
 - Mat Hoffman lands the no handed 900-degree spin.
 - Mike Metzger landed the first back flip in Moto-X Freestyle X-Games History over an 80 foot gap. He also pulled off two consecutive flips in a competition run.
- **2003: X Games Nine** - Staples Center & LA Coliseum, Los Angeles, California (*August 14-17, 2003*)
 - Brian Deegan lands the first ever off-axis backflip in Freestyle Moto-X, earning him the bronze in FMX and gold in Big Air/Best Trick.
- **2004: X Games 10** - Staples Center, Home Depot Center, Long Beach Marine Stadium, Los Angeles, California (*August 5-8, 2004*)

- Nate Adams becomes the first person to defeat Travis Pastrana in the Freestyle Moto-X event at the X-Games.
- Danny Way wins the first ever Skateboard Big Air event.
- Jeremy McGrath debuts at the X-Games, winning gold in Moto-X Step Up, and bronze in Supermoto.
- **2005: X Games XI** - Staples Center, Los Angeles, California (*August 4-7, 2005*)
 - Shaun White failed to land the 1080 in skate best trick after 29 attempts.
 - Jamie Bestwick pulled off the first ever double tailwhip flair in the BMX Vert Best Trick event.
 - ESPN has signed a contract to keep the X Games in Los Angeles through 2009.
- **2006: X Games 12** - Staples Center, Home Depot Center & Long Beach Marine Stadium, Los Angeles, California (*August 3-6, 2006*)
 - Travis Pastrana lands the double backflip and wins Moto X Best Trick.
 - Kevin Robinson lands the double flair for the first time.
 - Travis Pastrana wins the inaugural X-Games Rally beating former World Rally Champion Colin McRae by .52 seconds after the latter rolls his car with 2 corners to go at the Home Depot Center.
 - Chad Kagy lands the first flatwhip tailwhip 540.
 - A link to a video showing some highlights is right here <http://www.youtube.com/watch?v=6gjdO1049Eg>.
- **2007: X Games 13** - Staples Center, Home Depot Center & Long Beach Marine Stadium, Los Angeles, California (*August 2-5, 2007*)
 - Jake Brown gets hurt after failing to do a Big Air stunt. He fell from 40'+ in the air and landed on his backside and back on the flat. The force of the fall knocked his shoes off. After 8 minutes laying motionless, he walks away with help. Suffered a fractured wrist, bruised lung and liver, whiplash, Ruptured spleen, and a concussion.
 - Ricky Carmichael wins the first ever MotoX Racing Circuit. Returning is still undecided.
 - Mat Hoffman returns to competition in BMX Big Air.
 - Simon Tabron does an X-Games first, doing back-to-back 900s in BMX Vert.
- **2008: X Games 14** - Los Angeles, California (*July 31 – August 3, 2008*)
- **2009: X Games 15** - Los Angeles, California (*Dates TBD*)

Winter X Games

- **1997: Winter X Games One**, Snow Summit Mountain Resort, Big Bear Lake, California (January 30 - February 2, 1997)
 - 38,000 in Attendance
- **1998: Winter X Games Two**, Crested Butte, Colorado
 - 25,000 in Attendance
- **1999: Winter X Games Three**, Crested Butte, Colorado
 - 30,000+ in Attendance
- **2000: Winter X Games Four**, Mount Snow, Vermont (*February 3-6, 2000*)
 - 83,500 in Attendance
- **2001: Winter X Games Five**, Mount Snow, Vermont
 - 85,100 in Attendance
- **2002: Winter X Games Six**, Aspen, Colorado (*February 1-5, 2002*)
- **2003: Winter X Games Seven**, Aspen, Colorado (*January 30 - February 5, 2003*)
- **2004: Winter X Games Eight**, Aspen, Colorado (*January 22-25, 2004*)
- **2005: Winter X Games Nine**, Aspen, Colorado (*January 29- February 1, 2005*)
- **2006: Winter X Games 10**, Aspen, Colorado (*January 28-31, 2006*)

- Jeux Hall lands the 1080 in half-pipe contest after 17 attempts
- ESPN has signed a contract with the Aspen Skiing Company to keep the Winter X Games in Colorado through 2010
- **2007: Winter X Games 11**, Aspen, Colorado (*January 25-28, 2007*)
- **2008: Winter X Games 12**, Aspen, Colorado(*January 24-27, 2008*)'
- **2009: Winter X Games 13**, Aspen, Colorado (*Dates TBD*)
- **2010: Winter X Games 14**, Aspen, Colorado (*Dates TBD*)

X-Games Global Championships

From May 16 up until May 18, 2003, the X-Games held a special event called the Global Championships, where 6 continents competed in 11 disciplines. The event was held in two locations, the Alamodome in San Antonio, Texas (where 7 of the events, including In-line skating, Skateboarding, BMX and Freestyle Motocross, were held), as well as in Whistler, British Columbia (where the *Superpipe* events for Snowboarding and skiing took place).

The final team results were:

<i>Position</i>	<i>Team/Continent</i>	<i>Overall Points</i>
1	USA	196
2	Europe	167
3	Australia	142
4	Canada	132
5	Asia	122
6	South America	70

- It was also here at the Global Championships where Jamie Bestwick performed the first ever Tailwhip Flair in the BMX Vert event.

References

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- 2.) <http://disney.go.com/environmentality/xgames/winterxgames12/>
- 3.) <http://expn.go.com/xgames/wxg/2001/s/history.html>
- 4.) <http://skateboard.about.com/cs/events/a/XGamesHistory.htm>
- 5.) <http://www.tqnyc.org/NYC030417/html/xgameshistory.html>
- 6.) <http://expn.go.com/teasma/2002/s/skierte.html>
- 7.) http://www.usolympicteam.com/26_735.htm
- 8.) <http://www.shاونwhite.com/>

9.) http://www.espneventmedia.com/pdf/SpectatorInformation.pdf?eventmedia_session=b5e3ba113

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11.) Beal, Becky. "Disqualifying the Official: an Exploration of Social Resistance Through the Subculture of Skateboarding." *Sociology of Sport Journal* (1995): 252-267. Sport Discus. 26 February 2008.

12.) "Media Preferences of Generation X and Y." *Journal of Sport Management* 20 (2006): 573. Sport Discus. 2 March 2008.

13.) <http://www.planetaexpn.com.br>

See also

- AST Dew Tour
- Extremity Games
- Velocity Games
- Gravity Games

External links

- X Games official site (<http://www.expn.com/>)
- Planet X - X Games Australia (<http://www.planetx.com.au/>)
- Asian X Games (<http://www.asianxgames.com/>)
- Latin X Games (<http://www.latinxgames.com/>)
- Dubai X Games (<http://www.xgamesdubai.com/>)
- X Games Environmentalty (<http://disney.go.com/environmentality/xgames/summerxgames13/index.html>)
- Bono Sports - Information, Results, Athletes (<http://www.myspace.com/bonosports>)


X Games [Brazil] *[1] (<http://xgames.espn.com.br/>)

Retrieved from "http://en.wikipedia.org/wiki/X_Games"

Categories: X Games | Recurring events established in 1995


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EXHIBIT D



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Navy MXWC

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2008

- [KIA X Games Asia 2008 - Shanghai, China](#)
- [Navy Moto X World Championships - San Diego](#)
- [Winter X Games 12 - Buttermilk Mountain, Aspen/Snowmass...](#)
- [X Games 14 - Los Angeles, Ca](#)
- [X Games Brazil - Sao Paulo, Brazil - Sambodromo Do Anhembi](#)

2007

- [KIA X Games Asia 2007 - Shanghai, China](#)
- [Moto X World Championship - San Diego, CA](#)
- [Winter X Games 11 - Buttermilk Mountain, Aspen/Snowmass...](#)
- [X Games 13 - Los Angeles, California](#)
- [X Games Dubai 2007 - X Games Dubai](#)
- [X Games Mexico 2007 Presented by Rockstar - Mexico City...](#)

2006

- ["Madden Nation" -](#)
- [Asia X Games 2006 Presented by KIA - Kuala Lumpur, Mala...](#)
- [ESPN X Games Dubai 2006 - X Games Dubai](#)
- [Winter X Games 10 - Aspen/Snowmass, CO](#)
- [X Games 12 - August 3-6, 2006 - Los Angeles, CA](#)

2005

- [Asian X Games 2005 Presented by Kia - Seoul, South Korea](#)
- [ESPN X Games Dubai - Dubai, United Arab Emirates](#)
- [Thailand X Games Cup - Bangkok, Thailand](#)
- [Winter X Games Nine - Aspen/Snowmass, CO](#)
- [X Games 11 - Los Angeles, CA](#)

2004

- [Asian X Games VI and ESPN Junior X Games V - Kuala Lump...](#)
- [ESPN's Latin American X Games III - Leme Beach, Rio de ...](#)
- [Rhode Island's Reunion X - Providence, RI](#)
- [Winter X Games VIII - Aspen/Snowmass, CO](#)
- [X Games 10 - Los Angeles, CA](#)

2003

[Asian X Games Qualifier V - Malaysia](#)

[Asian Xtour Manila 2003 - Manila, Philippines](#)

[Latin American X Games II - Rio de Janeiro](#)

[Winter X Games VII - Aspen, CO](#)

[X Games Global Championship I - San Antonio, TX and Whi...](#)

[X Games IX - Los Angeles, CA](#)

[X Games Xperience at Disney's California Adventure - Di...](#)

2002

[Action Sports & Music Awards 2002 - Los Angeles, CA](#)

[Asian X Games Qualifier - Malaysia](#)

[European X Games Qualifier II - Barcelona, Spain](#)

[EXPN Invitational 1 - Grand Prairie, Texas](#)

[EXPN Invitational 2 - Gwinnett County, Georgia](#)

[Latin American X Games Qualifier - Brazil](#)

[Tony Hawk's Gigantic Skatepark Tour - Various US Locations](#)

[Winter X Games VI - Aspen, CO](#)

[X Games VIII - Philadelphia, PA](#)

2001

[Action Sports & Music Awards 2001 - Los Angeles, CA](#)

[B3 \(1\) - Anaheim, CA](#)

[B3 \(2\) - Louisville, KY](#)

[Brazil Qualifier 1 - Brazil](#)

[European X Games Qualifier - Barcelona, Spain](#)

[Tony Hawk's Gigantic Skate Park Tour - London, France, ...](#)

[Tony Hawk's Gigantic Skate Park Tour US - US](#)

[Winter X Games 2001 - Mt. Snow, Vermont](#)

[X Games 2001 - Philadelphia, PA](#)

[X Trials - Dallas, TX - Dallas, TX](#)

[X Trials - Bristol, CT - Bristol , CT](#)

2000

[X Games 2000 - San Francisco, CA](#)

1999

[X Games 1999 - San Francisco, CA](#)

EXHIBIT E



[PRINT] ESPN.com: Moto X

[\[Print without images\]](#)Tuesday, April 8, 2008
Updated: April 9, 8:00 PM ET

MXWC Spectator Information and Map



VENUE INFORMATION

- Navy Moto X World Championships will take place April 12 — April 13, 2008 at Qualcomm Stadium in San Diego, Calif.
 - Tickets are available at ticketmaster.com. Ticket prices range from \$10-25
 - All events are held outside. Proper outdoor attire is recommended
 - For the safety and comfort of all spectators, the following items are not allowed at ESPN Venues: alcohol, coolers, pets, signs attached to poles or sticks, chairs/large umbrellas, cans or glass containers and weapons. Spectators are allowed to bring in personal food items as well as factory sealed plastic water bottles.
 - There will be no in and out privileges at the Stadium. Once a spectator has left the Stadium, they will not be allowed to re-enter on the same ticket.
 - ESPN is not responsible for lost or stolen goods
 - ESPN reserves the right to refuse admission to anyone at any time
 - All bags are subject to search upon entrance to the Stadium
-

PARKING & TRANSPORTATION INFORMATION

PARKING

During events with large attendance, the Qualcomm Stadium parking lots may become full prior to the start of the event. Guests are encouraged to carpool and to arrive at least two hours prior to the event. The parking lots will open five hours before the event and close two hours after the event. If you arrive after the parking lot is closed, we encourage you to proceed to the Mission Valley trolley stops and ride the trolley to the Stadium. Please follow the direction of traffic and parking personnel.

PUBLIC TRANSPORTATION

The San Diego Metropolitan Transportation System (MTS) provides convenient access to Qualcomm Stadium via the trolley and bus lines. Using the MTS systems will speed up your access to the Stadium and will help you avoid congested highways. Please visit the MTS website at www.sdmmts.com for additional information.

ATM's

ATM machines are located on the Plaza Level between Gates F & G, Club Level Sections 8 & 15 and at View Level Section 20. Additionally, some concession and merchandise stands offer point of sale machines for credit and debit cards.

SERVICES FOR FANS WITH DISABILITIES

ASSISTANCE

If requested, Guest Services will provide assistance for persons who have difficulty accessing their seat. Assistive Listening Devices. Assisted Listening Devices (ALD) are available at the Guest Services office at Gate F.

ELEVATORS

Elevators are located at Gates B, D, F & H. Elevators for use by persons with disabilities to get to the Field Level/Lower Plaza Walkway are located at Gate E and at Section 51 behind the scoreboard.

PARKING

A limited number of free parking spaces are available for fans with valid accessible placards or license plates.

RESTROOMS

Accessible restrooms are located throughout the stadium.

SEATING

Wheelchair, companion, semi-ambulatory and transfer seating is available.

SERVICE ANIMALS

Any guide dog, signal dog or other animal that is trained to provide assistance to an individual with a disability is permitted inside the stadium. Animals can relieve themselves at planters near Gates M or N.

TTY MACHINES

TTY machines are located in the following areas: Field Level 26, Plaza Level 48 & 56, Club Level 8 & 34, Loge Level 35, Press Level 48 & 55, View Level 48 & 55, and at the Chargers Ticket Office at Gate C.

WATER FOUNTAINS

Accessible water fountains are located on each level near the restrooms.

WHEEL CHAIRS

Wheelchairs are available through Guest Services at Gate F. Wheelchairs are for assistance only and are not intended to be occupied by the guest during the game.

CONCESSIONS

Food guides are available at all concession stands and any Guest Services location.

GUEST SERVICES

The Guest Services office is located on the Plaza Level between Gates F & G.

LOST CHILDREN

Any fan looking for a lost child or adult should contact the nearest usher or security representative or go to the Guest Services office, located on the Plaza Level between Gates F and G. Children are strongly encouraged to keep their event ticket in their pocket. Doing so will help reunite lost children and their parents/guardians.

LOST & FOUND

Lost & Found is located at the Guest Services office, located on the Plaza Level between Gates F and G. Non-game day Lost & Found is located in the Stadium Security office at Gate A. You may also call (619) 641-3150.

MERCHANDISE

The NAVY Moto X World Championships Merchandise tent, in the Moto X Pits and at Gate L will be selling Official Moto X Merchandise.

"MOTO X PIT"

This interactive area is the designated Navy Moto X World Championships Sponsor Booth area. It's located in the Moto X Pits and offer many fun activities, scheduled autograph signings and giveaways for spectators.

NO SMOKING

Navy Moto X World Championships is a non-smoking event. Please smoke only in designated sections of the stadium.

SECURITY

Security Check Points are located at the entrance and exit to the venue. Event Security personnel are also patrolling the venue and will assist with crowd and access control.

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EXHIBIT F

[Print](#) | [Back](#)**For Immediate Release****October 15 , 2007**

ESPN PR

860-766-2000

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ESPN Consumer Product Establishes Licensing Relationship with American Sporting Goods

X Games Gear Footwear Line Expected in Spring 2008

ESPN Consumer Products announced that it has signed a licensing agreement with California-based, athletic footwear wholesaler and manufacturer American Sporting Goods Corp (ASG) to develop and launch the X Games Gear's footwear line. The comprehensive footwear line will be managed, designed and developed through ASG's Extreme Sports division Nice Skate Shoes (NSS).

Slated for a Spring 2008 launch, the X Games by NSS footwear collection will feature styles including, but not limited to, casual, lifestyle, athletic and performance shoes/sneakers; slides; slip-ons; slippers; sandals; boots; and flip-flops. The line will be distributed through specialty retail outlets as well as select sporting goods retailers, mid-tier department stores and better family footwear stores.

"We are excited to expand our successful X Games Gear apparel and accessories business by including the footwear category," said Steve Cipolla, vice president and general manager, ESPN Consumer Products Licensing. "Working with ASG and their established core NSS brand, reinforces our commitment to bringing action sports fans quality consumer products that continue to build the X Games franchise."

ASG entered into the Action Sports arena through its acquisition of lifestyle brand NSS seven years ago and has provided high quality footwear to the action sports market ever since.

"The combination of ASG's manufacturing assets, extensive proprietary technology base and ESPN's and X Games brand strength and media prominence is a winning formula," said Tom O'Riordan ASG's President and CEO. "X Games by NSS footwear will capture the essence of individuality, creativity and performance sport that defines the action sports culture."

ASG has assembled an experienced product team to leverage the company's extensive resources and know how to offer a compelling range of trend right performance product to the market. X Games by NSS will be promoted utilizing ESPN and EXPN's multimedia platforms, as well as through grass roots events.

ESPN Consumer Products

ESPN Consumer Products serve the fan and reflect the assets and equity of ESPN. ESPN Consumer Products oversees the development of product lines under the ESPN, X Games and BASS brands. The X Games Consumer Products is a full line of action sports-themed products designed for the action sports fan and enthusiast, product lines include lifestyle apparel, sporting goods and protective gear.

About ESPN's X Games Franchise

ESPN, The Worldwide Leader in Action Sports, first developed its X Games franchise in 1995. Part of ESPN Original Entertainment, X Games, Winter X Games and All Access are just some of the original action sports programming currently shown on ESPN and ESPN2. In addition to the two U.S.-based events, ESPN has held X Games competitions and demonstration events around the world including Dubai, Thailand, Brazil, Mexico, Korea, Malaysia, China and Spain. The global franchise has also expanded its reach to EXPN.com, the definitive site for action sports fans, and to consumer products such as X Games bikes, protective gear, skateboards and DVDs.

-- XGames--